

REMARKS

Reconsideration is requested.

The specification has been amended to obviate the objections to the same.

Withdrawal of the objections to the specification is requested.

The Section 112, second paragraph, rejection of claims 17-26 and 31-35 is believed to be obviated by the above amendments. Specifically, claim 17 requires a dose necessary for inhibiting or decreasing the tumor growth. The claims are submitted to be definite and withdrawal of the Section 112, second paragraph, rejection is requested.

The Section 112, first paragraph "enablement", rejection of claims 17-26 and 31-35, is obviated by the above amendments. The claims have been revised, without prejudice, to advance prosecution and define methods believed to be supported by an enabling disclosure. Reconsideration and withdrawal of the Section 112, first paragraph "enablement", rejection are requested.

The Section 103 rejection of claims 17-21, 23-26 and 31-35 over Ogata (EP 1 197 225) and Burton (Biochemical and Biophysical Research Communications, 1990, Vol. 167, No. 3, pp 1134-1138), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above and the following comments.

The applicants submit, with due respect, that there is no motivation in the cited art to have combined the cited art to have made the claimed invention.

Specifically, Ogata et al is understood to only concerns the treatment of diseases caused by PTH or PTHrP. Kidney cancer is not a disease caused by PTH or PTHrP. Moreover, it appears, to the contrary, that the excess of PTHrP is a consequence of

cancer. Ogata therefore does not teach or suggest that anti-PTHrP antibodies could have an effect on cancer.

Burton et al. is understood to only concern studies carried out in vitro. The applicants believe that a person of ordinary skill in the art would not have expected an efficiency of an in vivo treatment on the basis of these in vitro results.

In addition, only one human renal cell carcinoma cell line has been used in the study such that the effectiveness of inhibitors of the PTHrP/RPTH1 system shown in vitro by Burton et al. on this unique cell line would not have led one of ordinary skill to have expected similar results with other human renal cell carcinoma cell lines or with tumors developing in vivo in animal models or in man.

Thus, the disclosure of Burton et al would not have led one of ordinary skill in the art to have expected the effectiveness of a treatment by anti-PTHrP antibodies on the growth of tumors of renal cell carcinoma established in vivo in the nude mouse.

This study goes back to 1990, and since, apart from work of the inventors, no other study had been carried out by these authors or other investigators to confirm or disprove these results.

Consequently, given doubts about the teaching of Burton et al relating to the effectiveness of an inhibitor of the PTHrP/RPTH1 system to treat a cancer of the kidney and the lack of incentive of Ogata et al. for the use of an anti-PTHrP antibody to treat another disease than a disease caused by PTHrP, the ordinarily skilled person would not have combined these two documents to make the claimed invention.

Withdrawal of the Section 103 rejection is requested.

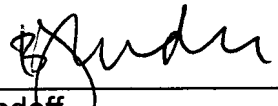
MASSFELDER et al.
Appl. No. 10/520,085
April 16, 2007

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

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By: _____


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